

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

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THE CITY OF HUNTINGTON,

Plaintiff,

vs.

CIVIL ACTION
NO. 3:17-01362

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.

CABELL COUNTY COMMISSION,
Plaintiff,

vs.

CIVIL ACTION
NO. 3:17-01665

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.

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Videotaped and videoconference deposition
of KATHERINE KEYES taken by the Defendants under
the Federal Rules of Civil Procedure in the above-
entitled action, pursuant to notice, before Teresa
S. Evans, a Registered Merit Reporter, all parties
located remotely, on the 15th day of September,
2020.

1 that distributors would do that, but I -- I'm not
2 aware -- I don't offer an opinion either way. I
3 just wouldn't make the blanket statement that
4 distributors can and cannot prevent any activity.

5 Q. You understand that prescription opioids
6 can't leave a pharmacy unless the doctor writes a
7 prescription?

8 A. There are other ways that opioids could
9 leave a pharmacy.

10 Q. Are you thinking of theft from the
11 pharmacy?

12 A. For example.

13 Q. What other ways?

14 A. Other sources of diversion, you know,
15 selling, illegal selling, for example.

16 Q. So I -- just to be clear, the -- when pills
17 are at a pharmacy, one way pills leave the pharmacy
18 and reach the community is through prescriptions
19 written by doctors, right?

20 A. That's correct.

21 Q. Another way is if pills were sold illegally
22 out of a pharmacy; is that right?

23 A. That is another way, yes.

24 Q. And another way would be theft from

1 pharmacies?

2 A. That's another way.

3 Q. Are there others that occur to you that --
4 ways that pills leave pharmacies and get into the
5 community?

6 A. None come to mind.

7 Q. And do you have any evidence of any theft
8 from pharmacies occurring in Cabell/Huntington?

9 A. I haven't reviewed that type of data for
10 this report.

11 Q. And do you have any evidence of pills being
12 sold illegally from pharmacies in
13 Cabell/Huntington?

14 A. Again, I'm -- I haven't reviewed that
15 evidence.

16 Q. You agree that -- that doctors decide on
17 the prescriptions that they believe are warranted
18 for the treatment of pain?

19 A. I wouldn't make that as a blanket
20 statement.

21 Q. Do you have an understanding that when a
22 doctor writes a prescription for a medical purpose
23 for prescription opioids, the doctor's exercising
24 his or her judgment that the medical use is

1 literature with regard to opioid policy. So to the
2 extent that the policies have been evaluated in the
3 epidemiological literature, I have expertise in
4 that.

5 Q. Do you have any particular expertise on
6 suspicious order monitoring activities?

7 A. I do not.

8 Q. Have you reviewed any of the orders that
9 were submitted by pharmacies in Cabell/Huntington
10 for prescription opioids?

11 A. No.

12 Q. Have you reviewed any of the diligence
13 files or investigative documents prepared by
14 distributors with respect to customers in
15 Cabell/Huntington?

16 A. I have not.

17 Q. Just looking here at my notes, Doctor
18 Keyes. I may be done.

19 Doctor Keyes, I take it you -- that you
20 have not focused your opinions on any of the
21 individual specific distributors who are defendants
22 in this case?

23 A. My opinions apply to all of the
24 distributors in the case.

1 Q. But you've not reviewed specific documents
2 related to their individual activities?

3 A. Generally, no.

4 Q. Okay.

5 MR. HESTER: I think that's all I
6 have, so I will pass -- pass you along to my
7 colleagues. Thank you, Doctor Keyes.

8 THE DEPONENT: Thank you very much.

9 MR. ARBITBLIT: So to the extent
10 others plan on inquiring, the protocol requires a
11 video feed, which we don't see. Perhaps you have
12 video feed that's not turned on, but to the extent
13 that there is no video feed, we would object that
14 that's not permitted under the protocol.

15 MR. METZ: I've had my video off for
16 most of the day, but it's on now.

17 MR. HESTER: Actually, before you
18 start, Carl, I do -- I did want to state one thing
19 for the record -- and I know that we have a
20 difference of agreement, but -- difference of view
21 on this point.

22 But we -- we have been surprised today
23 by the position taken by the plaintiffs that we
24 could not inquire fully into all aspects of Doctor

1 STATE OF WEST VIRGINIA,
2 COUNTY OF JACKSON, to wit;
3

4 I, Teresa S. Evans, a Notary Public within
and for the County and State aforesaid, duly
5 commissioned and qualified, do hereby certify that
the foregoing deposition of KATHERINE KEYES was
6 duly taken by me and before me at the time and
place and for the purpose specified in the caption
7 hereof, the said witness having been by me first
duly sworn.

8
9 I do further certify that the said
deposition was correctly taken by me in shorthand
notes, and that the same were accurately written
10 out in full and reduced to typewriting and that the
witness did request to read his transcript.

11
12 I further certify that I am neither
attorney or counsel for, nor related to or employed
by, any of the parties to the action in which this
13 deposition is taken, and further that I am not a
relative or employee of any attorney or counsel
14 employed by the parties or financially interested
in the action and that the attached transcript
15 meets the requirements set forth within article
twenty-seven, chapter forty-seven of the West
16 Virginia Code.

17 My commission expires October 25, 2020.
Given under my hand this 18th day of September,
18 2020.
19

20 <%10538,Signature%>
Teresa S. Evans
RMR, CRR, RPR, WV-CCR
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